

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

**RAY ROGER NICHOLAS LONDON,**

**Petitioner,**

**v.**

**Civil Action No. 4:13cv71  
Criminal Action No. 4:11cr36**

**UNITED STATES OF AMERICA,**

**Respondent.**

**ORDER**

This matter is before the Court on a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, filed by Petitioner Ray Roger Nicholas London. Petitioner's motion alleges jurisdictional error and ineffective assistance of counsel.

Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts requires a federal judge to perform a preliminary review of a § 2255 motion. Specifically, Rule 4(b) states:

The judge who receives the [§ 2255] motion must promptly examine it. If it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief, the judge must dismiss the motion and direct the clerk to notify the moving party. If the motion is not dismissed, the judge must order the United States attorney to file an answer, motion, or other response within a fixed time, or to take other action the judge may order.

R. Governing § 2255 Proceedings in U.S. Dist. Cts. 4(b). Here, upon review of Petitioner's motion and case file, the Court finds that summary dismissal of this action without response from the United States Attorney is not appropriate. Accordingly, the United States Attorney is **ORDERED** to file an answer to Petitioner's § 2255 motion **within sixty (60) days** from the date

of entry of this Order. Such answer must conform to the requirements of Rule 5 of the Rules Governing Section 2255 Proceedings.

Petitioner may, if he desires, file a reply to the government's answer **within twenty (20) days** of receipt of the answer. If Petitioner chooses to file a reply, "[e]xcept for good cause shown in advance of filing," such reply brief shall not exceed twenty (20) pages in length.

E.D. Va. Loc. Civ. R. 7(F). Upon the filing of the government's answer, any reply brief by the Petitioner, and the receipt of any necessary court records, this Court will enter any further order as may be appropriate.

**IT IS SO ORDERED.**



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Mark S. Davis  
United States District Judge

Norfolk, Virginia  
September 23, 2013